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HONOURABLE SRI JUSTICE C.Y.SOMAYAJULU

WRIT PETITION NO.20713 OF 2005

DATED:21-09-2005

Between:

Smt.Batool Hashim

..... PETITIONER

AND

1. Asst.City Planner, Circle V, Municipal Corporation

of Hyderabad and another

.....RESPONDENTS

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HONOURABLE SRI JUSTICE C.Y.SOMAYAJULU

WRIT PETITION NO.20713 OF 2005

ORDER:

This petition is filed questioning the action of the respondents in trying to

demolish the structures of the petitioner for road widening.

The case of the petitioner is that in spite of her stating that she is not willing to part with the possession of her property without payment of compensation as contemplated by Sections 146 and 147 of the Hyderabad Municipalities Act, the respondents are insisting on her parting with the possession of the land for road widening, by taking extra FSI.

Since the petitioner is not willing to take extra FSI, and wants to part with the land only when it is acquired as per the provisions of the Land Acquisition Act and since Sections 146 and 147 of the Hyderabad Municipalities Act contemplate acquisition of land for any public purpose, this petition is disposed of with a direction to the respondents not to interfere with the possession of the petitioner's property without following due process of law. No order as to costs.

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21st September, 2005.

SKM